

## TITLE TO OWNERSHIP OF ISLE OF PINES

*Treaty signed at Washington March 2, 1904, with text of Senate resolution dated March 13, 1925, and exchange of notes at Washington March 17 and 18, 1925*

*Senate advice and consent to ratification, with a reservation and an understanding, March 13, 1925*

*Ratified by Cuba March 18, 1925*

*Ratified by the President of the United States March 23, 1925*

*Ratifications exchanged at Washington March 23, 1925*

*Entered into force March 23, 1925*

*Proclaimed by the President of the United States March 24, 1925*

44 Stat. 1997; Treaty Series 709

### TREATY

The United States of America and the Republic of Cuba, being desirous to give full effect to the sixth Article of the Provision in regard to the relations to exist between the United States and Cuba, contained in the Act of the Congress of the United States of America, approved March second, nineteen hundred and one,<sup>1</sup> which sixth Article aforesaid is included in the Appendix to the Constitution of the Republic of Cuba, promulgated on the 20th day of May, nineteen hundred and two and provides that "The island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty;" have for that purpose appointed as their Plenipotentiaries to conclude a treaty to that end:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the Republic of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary of Cuba to the United States of America;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

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<sup>1</sup> 31 Stat. 877.

## ARTICLE I

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the Island of Cuba, which has been or may be made in virtue of Articles I and II of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December eighteen hundred and ninety-eight.<sup>2</sup>

## ARTICLE II

This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines, is in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made to the United States of America by the Republic of Cuba.

## ARTICLE III

Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions being subject in respect thereof to such laws as are applicable to other foreigners.

## ARTICLE IV

The present treaty shall be ratified by each party in conformity with the respective Constitutions of the two countries, and the ratifications shall be exchanged in the City of Washington as soon as possible.

In witness whereof, We, the respective Plenipotentiaries, have signed this treaty and hereunto affixed our seals.

Done at Washington, in duplicate, in English and Spanish this second day of March one thousand nine hundred and four.

JOHN HAY	[SEAL]
GONZALO DE QUESADA	[SEAL]

## SENATE RESOLUTION ADVISING AND CONSENTING TO RATIFICATION

In Executive Session, Senate of the United States

MARCH 13, 1925

RESOLVED (*Two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Treaty with Cuba

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<sup>2</sup> TS 343, *post*, SPAIN.

signed at Washington, D.C., on the second day of March, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the High Contracting Parties so as to make it plain that this condition is understood and accepted by each of them:

1. That all the provisions of existing and future treaties, including the Permanent Treaty proclaimed July 2, 1904,<sup>3</sup> between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

Attest:

GEORGE A. SANDERSON, *Secretary*  
By H. W. CRAVEN, *Chief Clerk*

#### EXCHANGE OF NOTES

*The Secretary of State to the Cuban Ambassador*

DEPARTMENT OF STATE  
*Washington, March 17, 1925*

#### EXCELLENCY:

I have the honor to inform you that on March 13, 1925, the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the reservation and condition are understood and accepted by each of them:

1. That all the provisions of existing and future treaties, including the Permanent Treaty, proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

I am glad to assure you, by direction of the President, that this note will be considered as sufficient acceptance by the Government of the United States of the reservation and understanding quoted, and I beg to express the hope that they will also be accepted by your Government. An acknowledgment of this note, accepting, by direction and on behalf of your Government, the

<sup>3</sup> TS 437, *ante*, p. 1116.

said reservation and understanding, will be considered as completing the required exchange of notes and the acceptance by both Governments of the reservation and understanding.

Accept, Excellency, the renewed assurance of my highest consideration.

FRANK B. KELLOGG

His Excellency

SEÑOR DON COSME DE LA TORRIENTE

*Ambassador of Cuba*

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*The Cuban Ambassador to the Secretary of State*

[TRANSLATION]

EMBASSY OF CUBA

*Washington, D.C., March 18, 1925*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note dated March 17, 1925, in which you were pleased to inform me that on the 13th day of this month of March the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the reservation and interpretation which is set forth in your note, the translation of which follows hereinbelow.

I take pleasure in informing Your Excellency that, being duly authorized thereto by the Senate of Cuba, the President has empowered me to accept in behalf of my Government, as I hereby do, the following reservations to the above-mentioned Treaty, thus completing the exchange of notes required in this case, namely:

1. That all the provisions of the existing or future treaties, including the permanent Treaty proclaimed on July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. That the term "other foreigners" appearing at the end of Article III (of the said treaty concerning the Isle of Pines) shall be construed to mean "foreigners who receive the most favorable treatment under the Government of Cuba".

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

COSME DE LA TORRIENTE

His Excellency

MR. FRANK B. KELLOGG

*Secretary of State*